

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

*

vs.

*

CRIMINAL NO. MJG-13-0289

KIRK SIMS

*

*

*

*

*

*

*

*

*

*

MEMORANDUM AND ORDER

The Court has before it a letter from Defendant Sims dated February 20, 2015 presenting a Motion for Sentence Modification. The Court finds that neither a response nor a hearing is necessary.

Defendant Sims was sentenced, on April 22, 2014, to 54 months of incarceration. He seeks to have the sentence modified so as to provide for immediate release.

The Court's authority to modify a sentence after imposition is limited. There is such authority: (1) upon motion of the Director of the Bureau of Prisons; (2) as permitted by statute or by Rule 35 of the Federals Rule of Criminal Procedure ("Rule 35");¹ and (3) where the relevant sentencing guidelines have changed since the sentence was imposed. See 18 U.S.C. § 3582(c)(1)(A), (1)(B), and (2).

¹ Rule 35 permits modification of a sentence: (a) upon motion of the Government for substantial assistance; and (b) within 14 days after sentencing if there was an arithmetical, technical, or other clear error.

There does not appear to be any circumstance presented that would authorize modification of the sentence in the instant case.

Accordingly:

1. The Clerk shall docket the aforesaid letter as a Motion for Sentence Modification.
2. The Motion for Sentence Modification is DENIED.
3. This action is without prejudice to renewal if Defendant Kirk can provide authority or circumstances that would permit a modification of the sentence imposed upon him.

SO ORDERED, on Wednesday, February 25, 2015.

/s/
Marvin J. Garbis
United States District Judge